

**REMARKS/ARGUMENTS**

Claims 1-5 stand rejected in the outstanding Official Action. Claims 2 and 4 have been cancelled without prejudice, claim 1 amended and newly written claims 7 and 8 offered for consideration. Accordingly, claims 1, 3, 5, 7 and 8 are the only claims remaining in this application.

The Examiner's acknowledgement of Applicants' claim for foreign priority and receipt of the certified copy of the priority document is very much appreciated. Additionally, the Examiner's consideration of the prior art previously submitted by Applicant is appreciated.

The drawings stand objected to as failing to comply with Rules 83 and 84 of 35 CFR. Specifically with regard to Figure 1, Applicant has cancelled the lead lines and numbers 20 and 22 and amended the specification to utilize the other symbols and legends observed by the Examiner to be missing from Figure 1. Applicant has amended the specification to refer to legend 36 and has deleted the references noted in Figure 3. Applicant has also proposed various drawing corrections identifying each of the boxes in Figure 3 thereby complying with all objections noted by the Examiner in sections 1 and 2 of the Official Action.

Applicant has amended the title to read "SURVEILLANCE SYSTEM WITH AUTONOMIC CONTROL". However, Applicant is not wedded to any particular title

and should the Examiner have another title that he believes is more indicative of the invention claimed, Applicant will certainly consider any such suggestion.

Applicant has amended the disclosure as suggested by the Examiner in paragraph 4 at least with respect to the first suggestion. However, the second suggestion i.e., that "image processing means 6" should be "analysis means 6" actually the reference is to the "imaging means 3" and appropriate correction has been made.

With respect to the objection to claim 1 contained in paragraph 5 of the Official Action, Applicant has amended the claim to read more consistent with U.S. claiming practices including the deletion of the objected to term.

Claim 1 stands rejected under 35 U.S.C. §112 as allegedly lacking antecedent basis for "scene processing means" and "scene analysis means." This language has been corrected to read "image processing means" and "image analysis means." Claim 4 has been cancelled without prejudice thereby obviating the rejection thereof. However, the subject matter of claim 4 has been incorporated into independent claim 1 along with the subject matter of claim 2 which provides clear antecedent basis for "said first and second imaging means."

In view of the above amendments and comments, it is believed that all remaining claims meet the requirements of 35 U.S.C. §112 and any further rejection thereof is respectfully traversed.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as being anticipated by Aviv (U.S. Patent 5,666,157). The Court of Appeals for the Federal Circuit has noted in the

case of *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 USPQ 481, 485 (Fed. Cir. 1984) that "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Applicant's amended claim 1 specifies that the "system control means" provides a general control functions to the imaging means, the image processing means and the image analysis means. The image analysis means is specifically identified as utilizing processing means to determine suitable control function responses to events viewed by said imaging means.

The Examiner alleges that the system control means is shown in Aviv. However, he does not indicate how or where Aviv teaches the control functions over the image analysis means. This certainly not seen in the Aviv reference because the controller 18 only controls camera 20, monitor 22 and the VCR recorder.

The Examiner's statement that "it is inherent that operator would be available to determine the events, which activate use of image analysis means." is respectfully traversed. The Examiner's suggestion that such is inherent is, in effect, an allegation that the subject matter of Applicant's claim is "well known." The Examiner's attention is directed to the Manual of Patent Examining Procedure (MPEP)" section 2144.03 which states that if the Applicant traversed the Examiner's assertion, "the Examiner should cite a reference in support of his or her position." It is respectfully requested that the Examiner

cite a reference in support of his position that, in the Aviv reference an operator would be available to determine the events which activate use of image analysis means.

Moreover, the Examiner is respectfully requested to point out how or where Aviv teaches Applicant's claimed image analysis means which determines "suitable control function responses to events viewed by said imaging means." There is no analysis shown in Aviv which is responsive to events seen by the camera. Aviv is like many prior art systems which do not have Applicant's image analysis means.

Furthermore, it is noted that Aviv's "controller 18" actually controls the operation of a secondary camera and an associated monitor and video recorder but does not control any image processing or analysis means. Actually, controller 18 only operates after it has received an alert signal from the comparison means 14. Thus, it is clear that Aviv's "controller" does not operate and certainly does not disclose the subject matter of Applicant claimed "system control means".

Without disclosing the subject matter of Applicant's claim 1, the Aviv reference clearly cannot teach the subject matter of claims 3, or 5 or newly written claims 7 and 8, all dependent thereon. Accordingly, there is no basis for any future rejection of claims 1, 3, 5, 7 and 8 either under 35 U.S.C. §102 or 103 and any further rejection thereof is respectfully traversed

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that remaining claims 1, 3, 5, 7 and 8 are in condition for allowance and noticed to that effect is respectfully solicited. In the event the Examiner is

TILSLEY

Appl. No. 09/622,810

September 15, 2003

of the opinion that a brief telephone or personal interview with solicited allowance of one or more these claims, it is respectfully requested that it contact Applicant's undersigned representative.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

Stanley C. Spooner  
Reg. No. 27,393

SCS:at

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100